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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/581,378 07/27/00 WRIGHT

W 1182-24

EXAMINER

PM52/1182

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NGUYEN, X

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

10/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/581,378

Applicant(s)

WRIGHT ET AL.

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "66" of figure 5. Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "98", line 4; and "108 to 124", line 22; all of page 13. Correction is required.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
4. The disclosure is objected to because of the following informalities: numeral "50" in line 13 of page 9 needs to be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 22-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 22, line 10, "at or near the first surface".
- In claim 22, line 14, "can be positioned on the inside or outside of the chamber".

The above features rendered claim 22 indefinite.

- In claim 31, "A fitting and sealing member according to claim 30" needs to be – A fitting according to claim 30 --.
- In claim 31, line 13 of page 16, "and/or" renders this claim indefinite.
- In claim 32, line 5 of page 17, "and, optionally" causes this claim to be indefinite.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 22-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlesimo in view of Jappinen and further in view of Evans.

Carlesimo shows a fitting for providing substantially fluid-tight seal between an opening in a chamber wall 16 and a pipe 22 passing through said opening, as in the present invention, said fitting comprising: a tubular sleeve²⁵ passing through the opening with pipe 22 passing through said sleeve; a flange 14 extending radially from

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said sleeve, a first surface of the flange being configured to contact the chamber wall around substantially the whole circumference of the opening; wherein said sleeve is extending from both sides of said flange. Carlesimo lacks "an energy transfer means situated at the first surface...fluid tight seal" and "in use, the fitting can be positioned on the inside or outside of the chamber wall." Jappinen shows a fitting 2 being positioned with flange 2a being used inside wall 1, where flange 2a formed a fluid tight seal around wall 1 by eletrofusion 4, column 3, line 44. Evans further teaches the use of a fitting 10 where flange 16 is used outside of wall 12 to form a fluid tight seal by an energy transfer means 22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Carlesimo's fitting with an energy transfer means such as taught by Jappinen and Evans in order to form a fluid tight seal with a wall by positioning said flange inside or outside of said wall as taught by Jappinen and Evans; since this would enable the use of said fitting to form a fluid tight seal in an existing wall where a fitting has not been provided.

Re: claim 23, Jappinen shows electrofusion material 4.

Re: claims 24, 27, 29, Evans shows in figure 4 energy transfer means 24, 26, 21 for conducting an electric current; where 21 is the heating wire being embedded in the first surface of flange 16; and 24, 26 are the terminals.

Re: claims 25 and 26, Jappinen further shows other bonding methods such as welding, gluing, etc. in column 3, line 40 and column 4, lines 5-11.

Re: claim 28, Carlesimo shows in figure 1, said sleeve is circular cross sectioned.

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Re: claims 30 and 31, Carlesimo shows sealing member 33, clamp 36. In the Abstract, line 4, Carlesimo discloses that said sealing member is made of a resilient material.

Re: claims 32-36, these are method claims. The rejection above, discusses the structure of Carlesimo's fitting as modified by Jappinen and Evans, also apply to the method being claimed in claims 32-36.

Re: claim 37, Carlesimo shows that wall 16 belongs to an underground manhole wherein this manhole is capable of containing and sealing any fluid from leaking into the environment; and would be capable of being used for a subterranean fuel tank.

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Remarks

9. Two items under section **OTHER DOCUMENTS** on the Information Disclosure Citation, paper 5, have been lined out as they are not proper to be listed on the 1449. If Applicant would like the individual references of the search report to be printed on the face of any patent to be issued herefrom, they should separately identify each on a 1449. Also, a translation is not a separate prior art document.

10. The Examiner would like to thank the Applicant for providing the above mentioned two items. Each of the references on the search report and the translation have been considered during the prosecution of this application.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burwell, Chamberlain et al., Gavin, Baker and Stearns show various fittings.

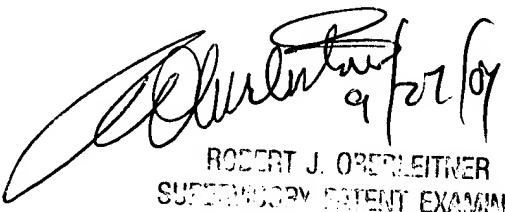
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Oberleitner can be reached on 703-308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

XLN
September 27, 2001



ROBERT J. OBERLEITNER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600